

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19098 of 1994

Between:

T.G.Muni Reddy, S/o.Govinda Reddy,
R/o.Dharmaraju Temple Street, Oldpet,
Chandragiri, Chittoor District.

..... PETITIONER

AND

1. The Commissioner of Land Revenue, A.P.,
Nampally Station Road, Hyderabad.
2. The District Collector, Chittoor.
3. The Revenue Divisional Officer,
Tirupati, Chittoor District.
4. The Mandal Revenue Officer,
Chandragiri Mandal, Chittoor District.
5. The Executive Engineer, A.P.S.R.T.C.,
Tirupati, Chittoor District.
6. The Divisional Manager, A.P.S.R.T.C.,
Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the

action of the 2nd respondent in proposing to include Survey No.160 over an extent of Ac.1-75 cents of Chandragiri in the proposals for the purpose of location of Bus Stand along with Survey No.161 without assigning the said property and without disposing off the application and proposals in favour of the petitioner pending with the 2nd respondent and without following the procedure contemplated under the Board Standing Orders and Assignment Rules or without even evicting the petitioner from the said property by following the procedure established by Law and also the action of the respondents 5 and 6 in unauthorisedly directing the petitioner to remove the super structures as highly illegal, arbitrary and unconstitutional, and consequently direct the respondents, not to in any way interfere with the possession and enjoyment of the petitioner relating to Survey No.160 over an extent of Ac.1-75 cents of Chandragiri except by following the procedure established by Law.

Counsel for the Petitioner: MR. P.JAGADISH CHANDRA PRASAD

Counsel for Respondents 1 to 4: GOVERNMENT PLEADER FOR REVENUE

Counsel for Respondents 5 and 6: MR. P.VINAYAKA SWAMY (STANDING COUNSEL FOR APSRTC)

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare the action of the

second respondent-District Collector, Chittoor, in proposing to include Survey No.160 admeasuring

Ac.1-75 cents situated at Chandragiri, in the proposals for location of Bus Stand for the A.P. State Road Transport Corporation (for short, 'APSRTC') as illegal and arbitrary.

It is the case of the petitioner that he is a freedom fighter and eligible for grant of assignment of Ac.15-00 as per G.O.Ms.No.946, dated 26-07-1979. It is submitted by the petitioner in the affidavit filed in support of the petition that his applications are pending consideration for grant of assignment of land in Survey No.160 admeasuring Ac.1-75 cents. It is also stated that in a part of the area, he has raised structures to construct a house and the respondents are interfering with his possession without conducting any enquiry and issuing any notice.

Though the writ petition is of the year 1994, no counter affidavit is filed on behalf of Respondents 1 to 4. In the counter affidavit filed on behalf of Respondents 5 and 6/APSRTC, in which it is stated, earlier government land admeasuring Ac.5-22 cents bearing Survey No.501/1A was allotted for the construction of bus-station at Chandragiri. Further, it is stated, subsequently, it was found that it was not suitable in view of low lying area and on the revised application made by the APSRTC, land in Survey No.160 admeasuring Ac.1-33 cents and Survey No.161/9 admeasuring Ac.0-87 cents was found suitable and allotted to them for construction of bus-station. It was further stated, the Revenue authorities have handed over the possession of the said lands to the APSRTC on 29-09-1994 and the Corporation is taking action for starting civil works in the land in question.

If the writ petitioner is eligible for grant of assignment as per the G.O. referred above, it is always open for the respondents to consider the same. But, however, with regard to the land in Survey No.160 is concerned, admittedly, the said land is not yet assigned to the petitioner and further only on the apprehension that the said land is being included for allotment for construction of bus-station for APSRTC, this writ petition is filed. But, however, in view of the counter, this land was allotted to the APSRTC and possession was already handed over to it on 29-09-1994, the relief sought in this writ petition cannot be granted. But, however, if in any portion in Survey No.160 the petitioner has constructed any residential house and he is in possession of the same, he shall not be dispossessed as otherwise in due process of law.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

R.SUBHASH REDDY, J

15th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Land Revenue, A.P.,
Nampally Station Road, Hyderabad.
2. The District Collector, Chittoor.
3. The Revenue Divisional Officer,
Tirupati, Chittoor District.
4. The Mandal Revenue Officer,
Chandragiri Mandal, Chittoor District.
5. The Executive Engineer, A.P.S.R.T.C.,
Tirupati, Chittoor District.
6. The Divisional Manager, A.P.S.R.T.C.,
Tirupati, Chittoor District.
7. Two CCs to the Government Pleader for Revenue,
High Court Buildings, Hyderabad (O.U.T).
8. Two CD copies.